IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.R. No. 6450 of 2006
Date of decision February 19, 2007

Bawa Singh and another

.....Petitioners

Versus

Sarabjit Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VINEY MITTAL

Present:- Sh. Deepak Nayar, Advocate
for the petitioners.

Sh. B. R. Mahajan, Advocate

Sh. D. S. Pheruman, Advocate

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Viney Mittal, J (Oral)

Plaintiffs are petitioners before this Court. They are aggrieved against the orders passed by the two Courts below whereby prayer of the plaintiffs for ad-interim injunction has been declined by the two Court below.

It appears from the record that the plaintiffs claimed that the property in question is joint between the parties. On that basis, it was claimed by them that the defendants had no right to sell/alienate any specific portion of the joint property.

The defendants took up a stand before the Courts below that all the parties are in separate exclusive possession of the property since the year 1971.

After hearing learned counsel for the parties and taking into consideration the facts and circumstances of the case and to meet the ends of justice, it is directed that in case the defendants wish to alienate

the suit property in any manner (which is claimed to be in their exclusive possession) then a specific stipulation with regard to the pendency of the present litigation shall be inserted in the transfer/conveyance deed and the aforesaid transferee shall be specifically informed of the said litigation.

It is further directed that in case of such transfer/alienation, an information in this regard shall be furnished to the trial Court. It shall also be stipulated in the transfer/conveyance deed that the aforesaid transfer shall be subject to the final decision of the suit and partition proceedings between the parties, which are pending, and shall not vest any equitable rights, whatsoever, in the transferee.

With the aforesaid directions the present petition is disposed of.

(VINEY MITTAL)
JUDGE

February 19, 2007
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